IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

Crl.Rev.Pet.No. 554 of 1999()

MC.7/1996 of JUDL.MAGISTRATE OF FIRST CLASS-I, CHERTHALA

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REVN. PETITIONER/COUNTER PETITIONER:

GOPALAKRISHNAN, S/O.LAKSHMANAN,
KALARIKKAL HOUSE,
PATTANAKKADU VILLAGE,
P.O.ANDHAKARANAZHI, CHERTHALLA.

BY ADV. SRI.K.RAMACHANDRAN
SRI.G.N.NAIR
SRI.K.MANU RAJ

RESPONDENT/PETITIONER IN THE COURT BELOW:

VALSALA, W/O.GOPALAKRISHNAN,
CHATHANATTU VELI HOUSE, WARD NO.24,
CHERTHALLA MUNICIPALITY, CHERTHALLA,
ALAPPUZHA DIST.

BY ADV. SRI.JOHN JOSEPH(ROY)
PUBLIC PROSECUTOR, SRI.CM.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 7/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P. NO.2476 OF 1999 IN CRL.R.P. NO.554 OF 1999

DISMISSED

SD/-
7.3.2007 K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

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K.R.UDAYABHANU, J.

Crl. R. P. 554 of 1999

Dated this the 7h day of March, 2007

ORDER

The revision petitioner is the husband/counter petitioner in MC.No.7/96 the proceedings initiated under Section 125 of Crl.PC. After considering the evidence adduced in the matter that consisted of the testimony of PW1 the petitioner in the M.C. and CPW1 who is the revision petitioner, the court has ordered for maintenance allowance @ Rs.300/- per month from the date of petition. The revision petition is filed setting aside that order, on the ground that the same is not supported by reasons and is vitiated by erroneous appreciation of evidence. The revision petitioner has admitted the marriage. According to him they have lived together for one month and the wife deserted him. She had alleged misappropriation of gold ornaments weighing 102 gms. and cash of 10,000/- given by her parents at the time of marriage . According to the petitioner, she was ill treated by the revision petitioner and she was left at the parental house, demanding more dowry. According to the respondent, he is getting only Rs.100 per day from his employment in a Coir Factory. I find

revision petitioner had contended that the petitioner is getting an income of Rs.100/- per day from tailoring works and she is getting Rs.500/- per month from landed property. The court below has noted that the defence has admitted that from 10.11.95 the parties are living separately. There is no case for the revision petitioner that he was providing maintenance to the respondent . The revision petitioner has not established that the petitioner is having landed property. The evidence of CPW2 is only with respect to the fact that there was some mediation and he had attempted to settle the differences in between the parties. I find that amount awarded i.e., Rs.300/- per month cannot be said to be unreasonable in any way. There is no ground to interfere .

The revision petition is dismissed.

K.R.UDAYABHANU, JUDGE

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